

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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UNITED STATES OF AMERICA,

Plaintiff,

v.

- 1) DANIEL MOJICA, aka
"LEÓN RODRÍGUEZ-LLANOS"
- 2) JOSE NUÑEZ, aka "COMANDO"
- 3) HECTOR MALDONADO
- 4) JOHN DOE aka JUAN CARLOS PION,
aka "JUAN CARLOS PEREZ-PEREZ,"
aka "GOLDO," aka "BOFE,"
aka "MIGUEL MARTINEZ-AMPARO"
- 5) JOSE ANTONIO CASILLAS aka
"CHEO" aka "CHE"
- 6) JUAN MANUEL MARQUEZ-
HERNANDEZ, aka "JUANMA"
- 7) FREDDY MARIEL FIGUEROA,
aka "MARIEL"
- 8) FRANCISCO PEÑA-PEÑA, aka
"TONY"
- 9) JOSE A. FIGUEROA-RIVAS, aka
"PEPE"
- 10) BENJAMIN LEOVARIS BATISTA
aka "LEO"
- 11) FELIX MIGUEL PEREZ aka "CHINO"
- 12) IGNACIO VENTURA, aka "NACHO,"
aka "NACHUELO"

SUPERSEDING INDICTMENT

CRIMINAL NO. 98-124 (PG)

VIOLATIONS:

18 U.S.C. §2
21 U.S.C. §841 (a)(1)
21 U.S.C. §846
21 U.S.C. §952(a)

(THREE COUNTS)

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- 13) ILIO MATOS
- 14) FNU LNU, aka "PAPIN"
- 15) FNU LNU, aka "LOLO," aka "LORO"
- 16) DIONISIO HERNANDEZ, aka
"VICTOR ALEXIS"
- 17) MARCIAL RODRIGUEZ-TRINIDAD,
aka "MARCIALITO"
- 18) FNU LNU, aka "CHICHI"

Defendants

THE GRAND JURY CHARGES:

COUNT ONE

From on or about April, 1998 up to and including November, 1998, in the District of Puerto Rico and within the jurisdiction of this Court,

- 1) DANIEL MOJICA,
aka "LEÓN RODRÍGUEZ-LLANOS"
- 2) JOSE NUÑEZ,
aka "COMANDO"
- 3) HECTOR MALDONADO
- 4) JOHN DOE aka JUAN CARLOS PION,
aka "JUAN CARLOS PEREZ-PEREZ,"
aka "GOLDO," aka "BOFE,"
aka "MIGUEL MARTINEZ-AMPARO"
- 5) JOSE ANTONIO CASILLAS
aka "CHEO" aka "CHE"
- 6) JUAN MANUEL MARQUEZ-
HERNANDEZ, aka "JUANMA"
- 7) FREDDY MARIEL FIGUEROA
aka "MARIEL"

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- 8) FRANCISCO PEÑA-PEÑA,
aka "TONY"
- 9) JOSE A. FIGUEROA-RIVAS,
aka "PEPE"
- 10) BENJAMIN LEOVARIS BATISTA
aka "LEO"
- 11) FELIX MIGUEL PEREZ
aka "CHINO"
- 12) IGNACIO VENTURA,
aka "NACHO," aka "NACHUELO"
- 13) ILIO MATOS
- 14) FNU LNU, aka "PAPIN"
- 15) FNU LNU, aka "LOLO," aka "LORO"
- 16) DIONISIO HERNANDEZ,
aka "VICTOR ALEXIS"
- 17) MARCIAL RODRIGUEZ-TRINIDAD,
aka "MARCIALITO"
- 18) FNU LNU, aka "CHICHI"

the defendants herein, and others to the Grand Jury known and unknown knowingly, willfully, intentionally and unlawfully did conspire, confederate, and agree together with each other and with divers other persons to the Grand Jury known and unknown, to commit an offense against the United States, to wit: to possess with intent to distribute multi-kilogram quantities of cocaine in excess of one hundred and fifty (150) kilograms, a Schedule II Narcotic Drug Controlled Substance, all in violation of Title 21, United States Code, Section 846.

**OVERT ACTS DONE IN THE FURTHERANCE AND EXECUTION
OF LOAD NUMBER 1 OF OVER 689 KGS OF COCAINE**

At the places and dates hereinafter mentioned and in the furtherance of the execution of the conspiracy and for the purpose of carrying into effect the objects designs and purposes of the conspiracy

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aka "GOLDO," aka "BOFE,"
aka "MIGUEL MARTINEZ-AMPARO"
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aka "CHEO" aka "CHE"
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HERNANDEZ, aka "JUANMA"
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aka "MARIEL"
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- 16) DIONISIO HERNANDEZ,
aka "VICTOR ALEXIS"
- 17) MARCIAL RODRIGUEZ-TRINIDAD,
aka "MARCIALITO"
- 18) FNU LNU, aka "CHICH"

and others to the Grand Jury known and unknown, did do and performed, among others, the following overt acts in the District of Puerto Rico and elsewhere:

1. On or about April 10, 1998, at approximately 5:05 p.m., JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka

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"MIGUEL MARTINEZ-AMPARO" procured a cellular telephone that would receive coverage in the Dominican Republic, St. Maarten and St. Thomas, USVI. JOSE ANTONIO CASILLAS aka "CHEO" aka "CHE" was to deliver the telephone to JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO" in the Dominican Republic.

2. On or about April 11, 1998, at approximately 11:54 a.m., JOSE ANTONIO CASILLAS, aka "CHEO," aka "CHE" coordinated the delivery of \$500.00 to pay for the cellular telephone described in Overt Act number 1.

3. On or about April 13, 1998, JOSE ANTONIO CASILLAS, aka "CHEO," aka "CHE" paid \$500.00 at the Kentucky Fried Chicken Restaurant in 65th Infantry Avenue in Carolina, Puerto Rico for the cellular telephone described in Overt Act number 1.

4. On or about April 22, 1998, at approximately 9:32 a.m., JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO," coordinated with JOSE ANTONIO CASILLAS, aka "CHEO," aka "CHE" at (787) 306-3705 for the delivery of electronic equipment.

5. On or about April 22, 1998, JOSE ANTONIO CASILLAS aka "CHEO" aka "CHE" delivered through an intermediary two (2) yellow Ensign Trimble Navigation Global Positioning Systems ("G.P.S."), two (2) cellular telephones to JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO," who was in St. Maarten, and \$450.00 for UCC #1's travelling expenses to St. Thomas, USVI.

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6. On or about April 23, 1998, JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO," instructed a subordinate to contact IGNACIO VENTURA, aka "NACHO," aka "NACHUELO" at 690-0270. The subordinate was also instructed to get \$4,000 for JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO," who was in St. Maarten, from co-defendant IGNACIO VENTURA, aka "NACHO," aka "NACHUELO."

7. On or about April 23, 1998, at approximately 4:50 p.m., IGNACIO VENTURA, aka "NACHO," aka "NACHUELO" arrived at the St. Thomas, USVI airport, in a Black Taurus, bearing St. Thomas license plate number T-9977 and delivered an envelope containing \$4,000.00 and a travel ticket to St. Maarten. The money was for delivery to JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO" in St. Maarten.

8. On or about April 23, 1998, due to operational difficulties, the envelope containing \$4,000.00, the plane ticket, as well as the electronic equipment, were returned to IGNACIO VENTURA, aka "NACHO," aka "NACHUELO."

9. On or about May 8, 1998, JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO" stated that he needed a satellite telephone by May 18, 1998.

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10. On or about May 13, 1998, at approximately 4:30 p.m., JOSE ANTONIO CASILLAS aka "CHEO" aka "CHE" delivered \$7,000.00 to cover the purchase of a satellite telephone and travelling expenses to purchase the satellite telephone.

11. On or about May 15, 1998, a Nera satellite telephone, bearing electronic serial number (ESN) 76EB01.F2C0C, and \$2,000.00 worth of pre-paid air time, that is, approximately 706 minutes, were bought for the conspirators.

12. On or about May 17, 1998, at approximately 12:00 p.m., at St. Maarten, JUAN MANUEL MARQUEZ-HERNANDEZ, aka "JUANMA" received the Nera satellite telephone. Also on that date, JOSE NUÑEZ, aka "COMANDO," JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO," and JUAN MANUEL MARQUEZ-HERNANDEZ, aka "JUANMA" learned how to use the satellite telephone.

13. On May 18, 1998, at St. Maarten, JOSE NUÑEZ, aka "COMANDO" went inside a fishing supply store and purchased fishing poles, Splash diving fins, three (3) orange and yellow life preservers, ropes, a small black Garmin 12 GPS XL, and batteries, among other things.

14. On or about May 19, 1998, JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO" coordinated the rental of a van with BENJAMIN LEOVARIS BATISTA aka "LEO."

15. On or about May 19, 1998, BENJAMIN LEOVARIS BATISTA aka "LEO" selected the type of van that was to be needed.

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16. On or about May 21, 1998, BENJAMIN LEOVARIS BATISTA aka "LEO" took at L & M Rental in Carolina, Puerto Rico a rented white, Ford Ecoline Van, bearing Puerto Rico license plate number 536-990.

17. On or about May 25, 1998, FREDDY MARIEL FIGUEROA, aka "MARIEL," FRANCISCO PEÑA-PEÑA, aka "TONY," and BENJAMIN LEOVARIS BATISTA aka "LEO" travelled to Maunabo, Puerto Rico to check out GPS coordinates.

18. On or about May 26, 1998, in the early morning hours, FREDDY MARIEL FIGUEROA, aka "MARIEL," and BENJAMIN LEOVARIS BATISTA aka "LEO" travelled once again to Maunabo, Puerto Rico to check out coordinates.

19. On or about May 26, 1998, in the late afternoon hours, BENJAMIN LEOVARIS BATISTA aka "LEO" and others went to the area of Maunabo, Puerto Rico in order to check the coordinates through the use of a GPS. While checking the coordinates, BENJAMIN LEOVARIS BATISTA aka "LEO" contacted JOSE NUÑEZ, aka "COMANDO" in St. Maarten to check on the certainty of the coordinates.

20. On or about May 27, 1998, UCC #1 arrived at Brisas del Verde Restaurant in Río Grande, Puerto Rico and met MARCIAL RODRIGUEZ-TRINIDAD, aka "MARCIALITO," who had arrived with a small lunch. MARCIAL RODRIGUEZ-TRINIDAD, aka "MARCIALITO" advised UCC #1 that he was going to Maunabo, Puerto Rico to serve as a lookout for the drug smuggling venture.

21. On or about May 28, 1998, in the afternoon, at L & M Auto Body Shop in Río Grande, BENJAMIN LEOVARIS BATISTA aka "LEO," JOSE A. FIGUEROA-RIVAS, aka

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"PEPE," FREDDY MARIEL FIGUEROA, aka "MARIEL, MARCIAL RODRIGUEZ-TRINIDAD, aka "MARCIALITO," aka "MARCIAL," and FELIX MIGUEL PEREZ, aka "CHINO," coordinated the pickup of additional workers. LEOVARIS BATISTA aka "LEO" was to go to Maunabo, Puerto Rico, and then send the van back to pick up additional workers.

22. On the same date as Overt Act number 21, a red Chevrolet Venture passenger van was delivered to FRANCISCO PEÑA-PEÑA, aka "TONY" at Brisas del Verde Restaurant in Río Grande, Puerto Rico. A white, Ford Explorer bearing license plate number BYO-597, driven by FRANCISCO PEÑA-PEÑA, aka "TONY" was also present.

23. On the same date as Overt Act number 21, in the late night hours, BENJAMIN LEOVARIS BATISTA aka "LEO," MARCIAL RODRIGUEZ-TRINIDAD, aka "MARCIALITO," aka "MARCIAL," and other unknown individuals, a black 50-gallon fuel tank and a heavy duty cooler were transported in the white Ford Explorer to Maunabo, Puerto Rico and dropped off next to an abandoned residence adjacent to the beach.

24. On the same date as Overt Act number 21, a red Chevrolet Venture van carrying the workers, as instructed by JOHN DOE aka JUAN CARLOS PION, aka "JUAN CARLOS PEREZ-PEREZ," aka "GOLDO," aka "BOFE," aka "MIGUEL MARTINEZ-AMPARO." UCC #1 and FRANCISCO PEÑA-PEÑA, aka "TONY" met at the Taco Maker Restaurant located in Luquillo, Puerto Rico with FRANCISCO PEÑA-PEÑA, aka "TONY" and proceeded to the area of Maunabo, Puerto Rico to drop off approximately 17 workers, among which were JOSE A. FIGUEROA-RIVAS, aka "PEPE," JOSE ANTONIO CASILLAS, aka "CHEO," aka "CHE," DANIEL MOJICA, aka "LUIS RODRIGUEZ-LLANOS," FNU LNU, aka "CHICHI," and HECTOR MALDONADO.

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25. Upon dropping off the workers in Maunabo, Puerto Rico, FRANCISCO PEÑA-PEÑA, aka "TONY" returned to the kiosks in Luquillo, Puerto Rico, where he joined FREDDY MARIEL FIGUEROA, aka "MARIEL" and others, in order to await calls from the co-conspirators in Maunabo, Puerto Rico for the pick-up. FREDDY MARIEL FIGUEROA, aka "MARIEL" was supposed to drive a burgundy Chevrolet Astro Van, bearing Puerto Rico license plate number 563-422, where the narcotics would be loaded by the workers. FRANCISCO PEÑA-PEÑA, aka "TONY" was supposed to drive the white Ford Explorer and transport JOSE NUÑEZ, aka "COMANDO," FNU LNU, aka "PAPIN," and others, all of whom were crew members on board the motor vessel, as well as BENJAMIN LEOVARIS BATISTA aka "LEO" into the metropolitan area.

26. The motor vessel in which JOSE NUÑEZ, aka "COMANDO," FNU LNU, aka "PAPIN," and others travelled from St. Maarten to Puerto Rico contained approximately twenty-five (25) bales of cocaine (approximately 689 (gross weight) kilograms of cocaine).

28. The acts charged in Counts Two and Three of this Superseding Indictment are realleged herein and made to form part of this conspiracy, all in violation of Title 21, United States Code, Section 846, to violate Title 21, United States Code, Section 841(a)(1).

**OVERT ACTS DONE IN THE FURTHERANCE AND EXECUTION
OF THE LOAD NUMBER 2 OF OVER 510 KILOGRAMS OF COCAINE**

1. On or about July 21, 1998, at approximately 3:45 a.m., agents of the Immigration and Naturalization Service, Border Patrol in Aguadilla, Puerto Rico encountered a burgundy, Chevrolet Astro Van, bearing Puerto Rico license plate number 563-422 parked on the side of Route 303 in Cabo Rojo, Puerto Rico, a common area for drug smuggling and illegal alien entry, with the front

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passenger door open. Upon seeing the border patrol agents, FREDDY MARIEL FIGUEROA, aka "MARIEL," who was accompanied by BENJAMIN LEOVARIS BATISTA aka "LEO," drove the van away in a southwardly direction. The van was driven erratically and accelerated spontaneously because it had a flat tire.

2. Agents of the border patrol turned on the emergency equipment in an attempt to detain the van. The van stopped suddenly and FREDDY MARIEL FIGUEROA, aka "MARIEL" and BENJAMIN LEOVARIS BATISTA aka "LEO" escaped running into the nearby wooded area.

3. On the same date as Overt Act number 1, at approximately 10:00 a.m., agents of the INS Border Patrol apprehended MARCIAL RODRIGUEZ-TRINIDAD, aka "MARCIALITO" in Route 303, Cabo Rojo, Puerto Rico, in the vicinity of the area where the Astro Van had been seized and he was hiding.

4. On or about July 21, 1998, co-conspirator DIONISIO HERNANDEZ, aka "VICTOR ALEXIS" travelled to Cabo Rojo, Puerto Rico, and also assisted in the drug smuggling venture.

5. The burgundy, Chevrolet Astro Van, bearing Puerto Rico license plate number 563-422 was found to contain approximately twenty-two (22) bales of cocaine (approximately 510 (gross weight) kilograms of cocaine), one loaded Smith & Wesson .357 Magnum revolver, one Nera satellite telephone, an Ensign GPS, a Magellan GPS, one Garmin GPS 12XL, one Apelco VHF 501 Plus Marine Communication Radio, two (2) Saeko swimming goggles, batteries, a cigarette outlet electric convertible, two (2) black Trimble Navigation GPS storage bags, one Phillips cellular telephone with battery, a compass, a Nokia cellular telephone battery, a winter soft hat, a receipt for \$350.00 from Auto World to the order of "Leo Batista", an orange and white Igloo cooler, among other things.

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**OVERT ACTS DONE IN FURTHERANCE OF THE IMPORTATION
OF IN EXCESS OF 150 KILOGRAMS OF COCAINE**

1. On November 17, 1998, at approximately 2:35 pm, DEA Agents established surveillance at the St. Croix, USVI Airport. There they observed two (2) individuals later identified as ILIO MATOS and FNU LNU, aka "LOLO," aka "LORO" arrive to the St. Croix, USVI Airport in a gold and white Mitsubishi Montero bearing USVI license plate number C-16518. They travelled to La Reina Gas Station, St. Croix, USVI where they purchased gasoline after they hitched a boat trailer with a motor vessel to their Montero. After getting gasoline they launched the motor vessel at the HESS Oil Refinery, St. Croix, USVI. The motor vessel was tested for use as a delivery boat for the conspiracy.

COUNT TWO

On or about May 29, 1998, in the District of Puerto Rico and within the jurisdiction of this Court,

- 1) DANIEL MOJICA,
aka "LEÓN RODRÍGUEZ-LLANOS"
- 2) JOSE NUÑEZ,
aka "COMANDO"
- 3) HECTOR MALDONADO
- 4) JOHN DOE aka JUAN CARLOS PION,
aka "JUAN CARLOS PEREZ-PEREZ,"
aka "GOLDO," aka "BOFE,"
aka "MIGUEL MARTINEZ-AMPARO"
- 5) JOSE ANTONIO CASILLAS
aka "CHEO" aka "CHE"
- 6) JUAN MANUEL MARQUEZ-
HERNANDEZ, aka "JUANMA"
- 7) FREDDY MARIEL FIGUEROA
aka "MARIEL"
- 8) FRANCISCO PEÑA-PEÑA,

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- aka "TONY"
- 9) JOSE A. FIGUEROA-RIVAS,
aka "PEPE"
- 10) BENJAMIN LEOVARIS BATISTA
aka "LEO"
- 11) FELIX MIGUEL PEREZ
aka "CHINO"
- 12) IGNACIO VENTURA,
aka "NACHO," aka "NACHUELO"
- 17) MARCIAL RODRIGUEZ-TRINIDAD,
aka "MARCIALITO"

the defendants herein, an unindicted co-conspirator not charged herein, and others to the Grand Jury known and unknown, aiding and abetting each other did knowingly, willfully, intentionally and unlawfully possess with intent to distribute approximately six hundred eighty-nine (689) kilograms of cocaine, a Schedule II Narcotic Drug Controlled Substance, all in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Section 841(a)(1).

COUNT THREE

From On July 21, 1998, in the District of Puerto Rico, in the High seas and elsewhere within the jurisdiction of this Court,

- 4) JOHN DOE aka JUAN CARLOS PION,
aka "JUAN CARLOS PEREZ-PEREZ,"
aka "GOLDO," aka "BOFE,"
aka "MIGUEL MARTINEZ-AMPARO"
- 7) FREDDY MARIEL FIGUEROA
aka "MARIEL"
- 10) BENJAMIN LEOVARIS BATISTA
aka "LEO"
- 16) DIONISIO HERNANDEZ,
aka "VICTOR ALEXIS"
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the defendants herein, and others to the Grand Jury known and unknown, aiding and abetting each other did knowingly, willfully, intentionally and unlawfully import into the United States from a place outside thereof approximately five hundred and ten (510) kilograms of cocaine, a Schedule II Narcotic Drug Controlled Substance, all in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Section 952(a).

TRUE BILL



FOREPERSON

GUILLERMO GIL

United States Attorney



Jorge E. Vega-Pacheco

Assistant U.S. Attorney

Chief, Criminal Division



Aixa Maldonado-Quñones

Assistant U.S. Attorney

Date: December 2, 1998-